

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS
EASTERN DIVISION**

ADRIANA M. CASTRO, M.D., P.A. and
SUGARTOWN PEDIATRICS, LLC,
on behalf of themselves and all others
similarly situated,

Plaintiffs

v.

SANOFI PASTEUR INC.,

Defendant.

Civ. Action No. 13-cv-2086

Honorable John J. Tharp, Jr.
Magistrate Judge Susan E. Cox

ECF CASE

**SANOFI'S MOTION FOR LEAVE
TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Local Rule 26.2(c), Sanofi Pasteur Inc. ("Sanofi") hereby respectfully moves the Court for permission to file under seal: Sanofi's Response to Plaintiffs' Motion to Quash the Navigant Subpoena or for a Protective Order, including exhibits thereto. A redacted public version of Sanofi's brief and any non-confidential exhibits were filed on March 29, 2013, and unredacted copies will be delivered to counsel for Plaintiffs and to chambers.

This matter is before the Court on Plaintiffs' Motion to Quash Subpoena, or in the Alternative, for a Protective Order. Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Navigant Economics ("Navigant") was served with a subpoena by Sanofi in connection with a civil action (No. 2:11-cv-07178) pending in the United States District Court for the District of New Jersey. The operative Confidentiality Discovery Order in that case, Dkt. No. 109, is attached to this Motion.

While Sanofi is filing the present motion for sealing, Sanofi does not believe that any of these documents are competitively sensitive or should remain under seal. Nonetheless, Exhibits 1, 5, and 6 were obtained in discovery from Novartis, an interested third-party. Certain statements in Sanofi's brief also quote, or reflect information derived, from documents produced by Novartis. All such documents have been designated by Novartis as "Confidential – Attorneys Eyes Only" pursuant to the Discovery Confidentiality Order, 11-cv-07178, Dkt. No. 109. Sanofi conferred with Novartis regarding these documents and statements, and Novartis directed that they be filed under seal.

Additionally, Sanofi received Exhibits 8 and 9 from Navigant on March 28, 2013. Those documents were also produced subject to the Discovery Confidentiality Order.

Because Sanofi is obligated under the Discovery Confidentiality Order and under New Jersey Local Rule 5.3(c) to file such documents under seal, good cause exists to permit the provisional filing of Sanofi's brief and exhibits under seal in order to provide Novartis and Navigant with the opportunity to assert any confidentiality interests they may have. Accordingly, Sanofi respectfully requests that the Court permit these documents to be (provisionally) filed under seal.

Dated: March 29, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2013, I caused to be served, via the Court's Electronic Filing System, a copy of the foregoing document on:

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